

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
	:	
WILLIE L. JONES,	:	
	:	
Plaintiff,	:	
	:	19 Civ. 5542 (LGS)
-against-	:	
	:	<u>ORDER</u>
ANDREW M. SAUL, Commissioner of Social	:	
Security,	:	
Defendant.	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff brought this action pursuant to §§ 205(g) and 1631(c)(3) of the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3), seeking judicial review of a final determination of the Commissioner of Social Security (“Commissioner”) denying his applications for Supplemental Security Income and Disability Insurance Benefits. The parties filed cross-motions for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). *See* Dkt. Nos. 16, 17. On September 11, 2020, Magistrate Judge Barbara Moses issued a Report and Recommendation (the “Report”) to grant Plaintiff’s motion for judgment on the pleadings and to deny Commissioner’s motion. *See* Dkt. No. 20.

WHEREAS, as stated in Judge Freeman’s Report, the deadline for any objections was fourteen (14) days from service of the Report and Recommendation. *See* Dkt. No. 20.

WHEREAS, no objections were timely filed.

WHEREAS, in reviewing a Magistrate Judge’s Report and Recommendation, a District Judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *see De La Paz*

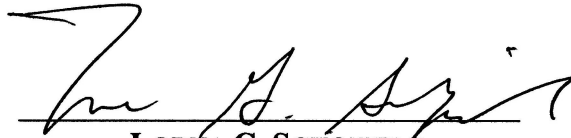
on behalf of S.S.D. v. Comm'r of Soc. Sec., No. 17 Civ. 4804, 2018 WL 4179455, at *2 (S.D.N.Y. Aug. 31, 2018) (applying clear error standard to a report and recommendation on a motion for judgment on the pleadings brought by the Commissioner of Social Security).

WHEREAS, upon review of Judge Moses' thorough and well-reasoned Report, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report is **ADOPTED** in its entirety as the opinion of the Court. For the reasons stated in the Report, Plaintiff's motion for judgment on the pleadings is **GRANTED**, Commissioner's motion for judgment on the pleadings is **DENIED** and the case is **REMANDED** to the Commissioner for further proceedings consistent with the Report.

The Clerk of Court is respectfully requested to close the motions at Dkt. Nos. 16 and 17.

Dated: September 28, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE